

**BOARD OF SELECTMEN  
MEETING MINUTES  
11/22/11**

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The Board of Selectmen met in the Town Hall, Joseph F. Bilotta Meeting Room as scheduled with Paula Bertram, Steven M. deBettencourt, Ernie Sund, Dave Matthews and Town Manager Kerry Speidel present, Tom Alonzo absent. Meeting opened at 7:00 P.M. with the Pledge of Allegiance

**PUBLIC COMMENT**

**ANNOUNCEMENTS**

1. Homecoming parade is being aired on Chanel 9 tonight.

**APPOINTMENTS**

1. **7:00 PM Bootlegger's, Request for Extension of Premises, All Alcohol License** – Dave read the following into the record to open the Public Hearing: The Licensing Authority will hold a Public Hearing on November 22, 2011 at 7:00 PM in the Joseph F. Bilotta Meeting Room, 2<sup>nd</sup> floor Town Hall on the application submitted by Cosimi Corporation, d/b/a The Bootlegger for a Change of License/Alteration of Premise at 50 Massachusetts Avenue, Lunenburg MA 01462. David J. Matthews, Chairman, Board of Selectmen / Licensing Authority.

Alan Cosimi, owner of Bootlegger informed the board that they are changing the inside of the restaurant, doing a lounge and an outdoor patio (deck) area on the pavement.

According to Kerry, the application is complete and filed the fee on this and is ready to be acted upon this evening. Project has also been approved by the Zoning Board of Appeals. The patio area is going to be fenced in. Paula questioned the location of the stairways and how is this changing and per Alan, the set of stairs that was basically for the wait staff has been removed, but there is also a second set of stairs for egress. Ernie motioned to approve the request, Steve seconded, voted unanimously.

2. **7:00 PM Centre Pizza, Request to Transfer Beer & Wine License to new lessee** – Paula move to reschedule to December 13, 2011 at request of applicant, Steve seconded, voted unanimously.

3. **7:30 PM Brent Benson, applicant for appointment to Cultural Council** - Brent Benson of 1010 Flat Hill Road, is seeking appointment to the Lunenburg Cultural Council. He was approached by a member of the Cultural Council and was informed of the purpose of the group. He has lived in Lunenburg for about 15/16 years and appreciates the cultural events that have been presented in town. He has a background as a Software Applications Architect that involves programming language design and implementation, databases, programming etc. He is also interested in music as an instrumentalist, vocalist, composer and arranger. His application is supported by the Cultural Council. The Cultural Council has no set number of members. Paula move to appoint Mr. Benson to Cultural Council, Steve seconded, voted unanimously to approve.

4. **7:30 PM Thomas Silver, applicant for appointment to Historical Commission** – Thomas Silver of 131 White Street, Apt #D4 is a retired medical health care provider and is seeking appointment to the Historical Commission. There is one remaining seat on the Commission and there is also one other interested candidate - Amory Phelps. Kerry was unable to schedule both candidates for the same meeting, due to the holiday. Ms. Phelps is scheduled for her interview on December 6, 2011.

Thomas informed the board that he has spoken with Ms. Foltz and he has had an interest in serving on the Historical Commission for a number of years and prior to moving to Lunenburg, he was an applicant for the Fitchburg Historical Commission. He has a strong interest in preserving history.

The Historical Commission is aware of the two applicants, but has not provided a consensus opinion on who would make the better candidate. The board will be interviewing the second candidate and will make their determination following the second interview.

**CURRENT BUSINESS**

1. **Discussion of HB1972, An Act Regulating Election Primaries** - Kathy Herrick, Town Clerk, received the attached request from a colleague requesting that the Board of Selectmen consider taking action on HB1972, An Act Regulating Election Primaries. Proponents of this bill state that adoption of the same will ensure that the votes of troops serving overseas will count on election day. The bill currently sits with the Joint Committee on Elections law and had its public hearing in May. If the board is in favor of supporting this bill, they are asked to adopt the attached resolution. The change in the dates is also projected to save the state about 8 million dollars. Kerry did contact Representative Benson's office and was informed that she is not a signer of this bill, unsure as to whether she supports or not at this time. Ernie questioned whether we can post on our website and get input from the citizens on this as he questions the election cycle although he is in favor of getting as many out to vote as possible. We can post and ask for people to

provide feedback for a couple of weeks and bring back for the December 13<sup>th</sup> meeting and during this time, get an estimate on what we spend for an election cycle. Paula commented that on it's face she is in favor but if there is opposition she would like to know what that is. Dave would also like to solicit input from the Senator and State Representative.

**2. Minutes** – Board of Selectmen Regular session for 11/15/11 reviewed and signed.

**Warrants** - #30A 12, 11/22/11 - \$70.00, #31 12, 11/22/11 \$461,664.89, #11P 12, 11/23/11 - \$636,777.29 and #32 12, 11/23/11 - \$401,413.83 reviewed and signed.

**Action File Issues** – Dave commented on the short term fixes for the Mulpus Road, Townsend Harbor Road intersection and would like to see some action taken on this area. Kerry will address this with the DPW Director and get back to the board with information.

**3. Committee Report** –

Paula - Planning Board met Monday; Public Hearing on the STM Articles and a few changes were made. Noted that on section of proposed article will be deleted following discussions they had with Mr. David Rodgers, they will strike #1 and will make their amendments on town meeting floor.

Paula would like to see listed on the pending items, that a meeting is scheduled in December on the Summer Street improvement project. Additionally, there was discussion at the Planning Board meeting once again on the Solar Farm on Chase Road and they had been informed that we are awaiting an opinion from Town Counsel. Kerry noted that the Building Inspector will not be issuing a permit until these issues are resolved. Planning Board did point out that they are no longer the ultimate determining authority at this point, as it has gone beyond the 45 days.

Ernie - Capital Planning met and went to Eagle House to review their requests, they then proceeded to the Library to review their requests. No action taken, just reviewed the requests. Steve requested that the board is provided with a list of what departments have submitted to Capital Planning,

Steve - DPW Building Committee met this evening and discussed the rebid of the garage doors as the original bid has expired. At this point in time we had reason to believe that what we had received was significantly higher than we expected. Have tentatively scheduled advertising for December 7, with bid opening on the 22<sup>nd</sup>. The rebid is not going to hold up progress on the building and still expect to have the building on line for the end of December, early January. The committee still expects to be underbudget and once we get nearer completion, the committee will discuss any additional needs that there may be.

**4. Department Report** - none

**5. Town Manager Report** – Worcester County has qualified for federal disaster and as such, the Governor has submitted the request to the President. We have received a procedure on the amount we're picking up by GPS coordinates and also have a contractor that is a state wide vendor and could use that vendor without going through the procurement process. Kerry would recommend that we move forward with picking up the debris that is being left curbside. We have also arranged for the landfill to be opened again this Saturday, from 8:00 am to 4:00 pm. The only estimate that we've put together is that there is between 5,000 and 7,500 cubic yards of debris. Paula questioned whether we have an idea where the funds would come from should we not receive reimbursement and according to Kerry we are going to be receiving the funds from the 2008 ice storm and if necessary will be able to utilize these funds. Also noted the concerns of the DPW Director in the event of a snowstorm and potential damage that could be incurred in plowing operations should the debris not be removed. Steve and Paula questioned whether we have the means utilizing our DPW employees to bring the costs down and noted that anything that the homeowners can do to take care of the debris they should do.

Kerry informed the board that the vendor has the equipment to pick up the debris much more efficiently and the estimate that she has provided was done prior to the debris being brought down to the landfill by property owners.

Dave would just like to get it done and if we don't get it reimbursed we'll have to make an argument to funding out of the stabilization fund.

Steve's concern is that we're talking about \$150,000 expended in a week to pick up the debris.

Paula does want to move ahead with this and we have to be very clear that there is a start date and an end date and when a street has been done, it's done and the contractor will not be going back.

According to Kerry we did go through this process in the 2008 storm and it worked fairly well, perhaps we do a call through the "Blackboard Connect" and inform all the residents that we are going to be picking up, and specifying the set dates.

Ernie questioned if the hangers that are still out there will be addressed and per Kerry, they will be taking the hangers down and it would be helpful if residents would let the DPW Director know of these. Steve noted that this is only for the hangers overhanging the public way. He would also like to see the operations at the Landfill extended and Kerry feels that if the town is going to be picking up the debris, then the one additional weekend should be sufficient.

Dave feels that if it's busy down there, then we can look at extending the dates that the landfill will remain open.

Kerry commented on the street lights and she did send another request for information to Unitil today; she has not been able to schedule anyone out to confirm whether the lights that Unitil reported as fixed have been fixed. She has also asked for additional

information on Util's maintenance plan. Steve commented that on his way in and out of town today, he realizes it's snapshot in time, but there were 5 lights out along the way. She has also asked Util about the billing procedure for the streetlights and this is an issue that is a work in progress and continuing to gather information. Paula suggested having Util in once again for an update on this as well as their vegetation plan. Kerry will arrange with John DiNapoli.

## **OLD BUSINESS**

**1. Review of Warrant Articles for Special Town Meeting** - Robert Ebersole, Chairman of the Sewer Commission presented the attached "Proposed Revision to Sewer Service Area 12/4/11" the property included at this point the Commission requested that borings and test pits be completed on the site. Board of Health agent certified to the Sewer Commission that the property owners would not be able to build on this site if they had to comply with Title V requirements. This site is wholly within the property and the legal description identifies the meets and bounds. The Sewer Commission was unanimous in voting to approve this request.

Paula is questioning whether an appointment has been scheduled with the City of Fitchburg with regards to the current IMA and according to Bob, they have been investigating various aspects and are in the process of reviewing the current IMA and gathering facts and discussing with Fitchburg to determine how and why they've got to where they're at now.

Ernie would like to have a blow up of the specific area that would show the actual bounds for the revised sewer service area. Bob will provide to Kerry so that it can be presented at town meeting. Board will review once they receive the maps and make their recommendations at that time.

Kerry questioned when the board will want to meet before the STM as there are a few more articles for the board to make a recommendation on. The Salary Administration Plan has a couple of positions that weren't included, Emergency Services, Dispatcher and as such they were left off of the schedule and will be included.

Paula would like to hear more on the Stretch Code before she makes a decision and as such the board will schedule their meeting for 6:30 on the 5<sup>th</sup>.

FY12 Budget Adjustment Article; Kerry informed the board that it is necessary to make a few minor adjustments to the adopted FY12 Budget prior to setting the Tax Rate. The adjustments are needed to re-balance the budget as a result of adjustments to State Assessments, to account for a Court Settlement, and to fund a prior year legal bill. Since the May Town Meeting, there have been a number of changes which affect projected revenues, including: New Growth has been certified at \$448,111, which is a total of \$98,111 higher than the original estimate of \$350,000. This is a result of the Tri-Town Landing and Emerald Place residential developments. Supplemental State Aid in the amount of \$64,672 has been received. When the State adopted the FY12 budget, it included a provision which essentially stated that any remaining FY11 appropriation would be returned to cities and towns in the form of State Aid, up to a maximum of \$65M in total. This level of return would allow Unrestricted Local Government Aid to be level funded in FY12. Other Cherry Sheet funding increased \$29,108, due to increases in Choice and Charter Tuitions. The Property Tax Calculation was adjusted to assume 100% of the levy. This adjustment results in an increase of \$3,503. In total, projected revenues have increased by a total of \$195,394, or about 0.65%. Since the May Town Meeting, there have been a number of corresponding changes which affect expenditures, including: An increase in Choice & Charter Assessments in the amount of \$71,386. This adjustment is based upon FY11 actual expenditures for tuitions. The need to fund a court settlement in the amount of \$90,000 in the case of Balducci vs. Town of Lunenburg. This case originated in the late 1990's. At issue was work done in an easement which Mr. Balducci claims caused severe drainage issues on his property. Attempts to settle the case over the years proved to be successful. Finally, a settlement was reached late last year. The amount has been paid, but needs to be accounted for through the Tax Rate Certification process for FY12. An increase in Cherry Sheet Offsets in the amount of \$7,519, due to an adjustment in Choice Tuitions, and in State & County Assessments.. These expenditures total \$168,909, which leaves a balance of \$26,485. She recommends that this balance be directed to the Salary Reserve Account, The Salary Reserve Account is used as a funding source for contract settlements, other salary adjustments and to fund Sick Leave Buyback benefits for retiring employees. The original appropriation for the Salary Reserve Account was \$19,547.74. Paula motion to make the adjustments as recommended by the Town Manager, Steve seconded, voted unanimously.

**2. Review & Approval of LA-5, Options Form, Tax Classification** – tabled to next meeting.

**3. Nomination of candidate to be considered for election to position of MPO Sub-Region** – Kerry referred back to the Board of Selectmen meeting on November 2, 2011; presentation by Montachusett Regional Planning Commission (MRPC) regarding the Metropolitan Planning Organization's (MPO) Sub-Region Selection Process. The board was advised that Lunenburg is in Sub-Region 3, along with the towns of Ayer, Shirley and Harvard. Each Sub-Region has a representative who votes on critical issues before MRPC, including distribution of Federal Transportation Enhancement Funds. Our current Sub-Region Representative is Selectman Frank Maxant from the Town of Ayer. Selectman Maxant's term expires on December 31, 2011. Provided a detailed description of the duties and functions of the MPO. Only Selectmen are eligible for nomination to run for Sub-Region Representative. Dave nominated Paula to run for this position, Ernie seconded, Paula is willing to serve, voted unanimously to approve the nomination of Paula.

## **COMMITTEE APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS**

None

## **EXECUTIVE SESSION**

None

## **UPCOMING MEETING SCHEDULE**

December 5, 2011, Special Town Meeting

December 6, 2011

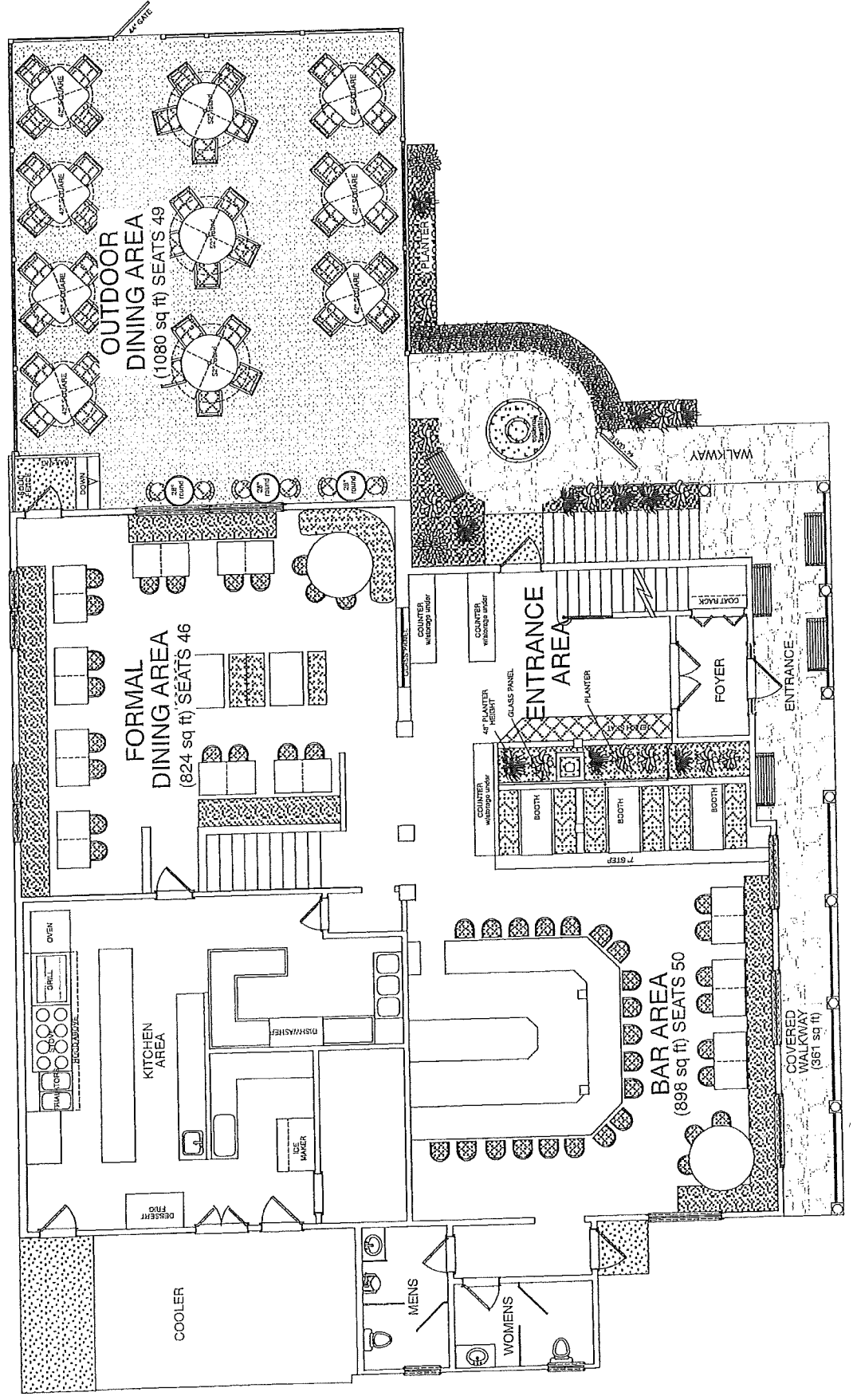
Being no further business board voted unanimously to adjourn Regular Session at 8:15 P.M.

Respectfully submitted,

Laura Caron-Gustus, Chief Administrative Assistant  
Board of Selectmen

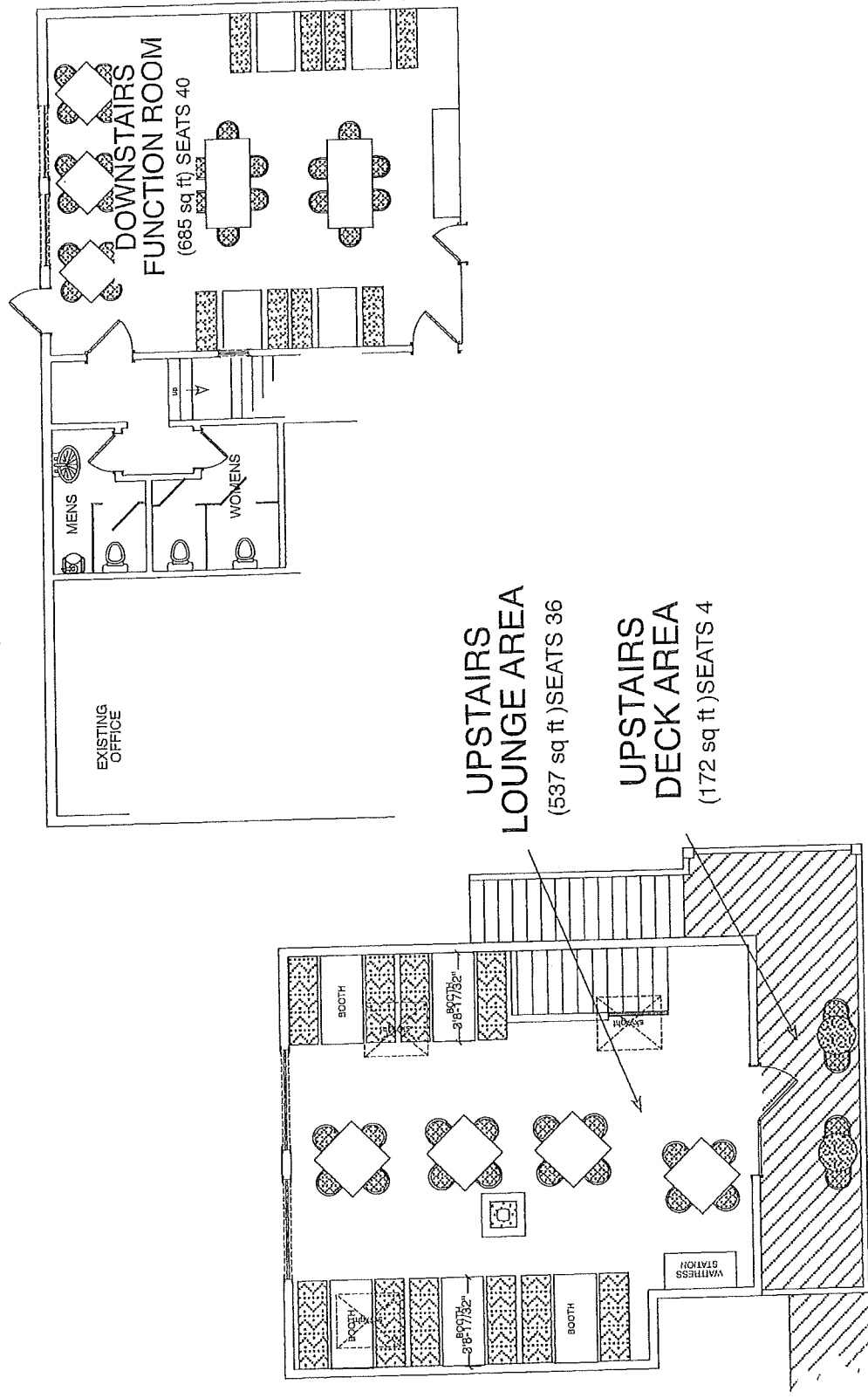
# The BOTTLEGGER Restaurant & Lounge

## main floor plan



# Restaurant & Lounge

# basement floor plan



***William C. Campbell***  
***Woburn City Clerk***

October 6, 2011

Kathryn M. Herrick, Town Clerk  
Lunenburg Town Hall  
PO Box 135 - 17 Main Street  
Lunenburg, MA 01462

Dear Clerk Herrick:

Enclosed please find a proposed Resolution in support of H1972 "An Act Regulating Election Primaries" now pending before the General Court at the State House. I request that you forward this matter to your Board of Selectmen for placement on their agenda for action.

Adoption of H1972 will ensure that the votes of our troops serving overseas will count on election day and will save taxpayers at least \$8,000,000.00 by streamlining elections. The Department of Defense Federal Voting Assistance Program (FVAP), in written testimony supporting the bill, noted that the bill is in line with federal law and is also in line with a number of states that have recently moved their primary elections earlier in the year to comply with the federal requirement. The FVAP testimony concluded **"passing HB1972 will significantly improve voter success for many military members, overseas voters, and their families."**

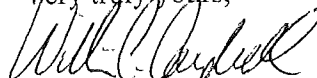
In the 2010 State election, the Commonwealth requested a waiver from the federal MOVE Act, which requires that, at least 45 days before an election, ballots be sent to Americans overseas. The only reason for the Secretary's waiver request was "due to a late primary." The temporary solution was a bill that allowed our troops to vote by fax or email, but the voter was required to sign a statement waiving his or her right to a secret ballot.

Deadlines for the 2012 election are approaching quickly. To be effective, this bill has to be passed soon. **The support of your Board of Selectmen now will move the bill forward.** It is important that our state legislators hear from their constituents of their support for H1972. More importantly, our troops deserve to know that their votes count.

A bill summary and a copy of the FVAP testimony are enclosed. If I can provide any additional information, please feel free to contact me.

Thank you for your support in moving along this important legislation.

Very truly yours,



William C. Campbell

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*wcampbell40@yahoo.com*

OCT 17 2011

# **H1972 - An Act Regulating Election Primaries**

## **Executive Summary**

### Purpose:

1. To increase the time between the State Primary and State Election so that military personnel and Massachusetts residents residing overseas can vote without having to waive their right to a secret ballot.
2. To save the Commonwealth and communities at least \$8,000,000.00 by consolidating elections.
3. To simplify the election process, decrease opportunity for “voter fatigue” and establish fairness among candidates.

### Executive Summary:

1. Moves the state primary to the first Tuesday in June. This will increase the time to mail ballots to military personnel and other residents of Massachusetts stationed or residing overseas. The trend across the country has been to move the primary earlier in the year to comply with the requirements of the Military and Overseas Voter Empowerment Act (the MOVE Act). The MOVE Act requires that absentee ballots be transmitted to voters at least 45 days before an election.
2. Moves presidential primary to the first Tuesday in June. Combining the state election and presidential primary into one day will result in savings of at least \$8,000,000.00 (\$3,500,000.00 for the state according to testimony of the Secretary of the Commonwealth before the General Court and a minimum of \$4,500,000.00 based on the State Auditor's reimbursement to municipalities following the January 2010 special election). This will place Massachusetts towards the end of the presidential primary schedule and could draw the attention sought in the event of a primary season without a clear front-runner in the major parties. In 2008, the election was moved from March to February so that the primary coincided with the so-called Super Tuesday. It did not have the anticipated effect of drawing attention to the state in view of the large number of primaries held on that day. California has moved its presidential primary and state primary to the first Tuesday after the first Monday in June for fiscal reasons. Combining the state primary with the presidential primary in Massachusetts makes fiscal sense.
3. Establishes a new method of selecting political party ward and town committee members and eliminates the primary ballot method of selecting the ward and town committee members. The outdated primary method is costly in that it requires significant ballot design and voting machine programming expenses. For example, looking at voting machine coding costs in the 2008 election cycle, the City of Woburn paid \$1,474.00 for coding the September primary, \$1,330.00 for coding of the November general election, but the February presidential primary with ward committees on the ballot cost the city \$3,807.00 for voting machine coding. The



## H1972 An Act Regulating Election Primaries – Executive Summary

state committeeman and state committeewoman will continue to be selected by primary ballot. The respective state committees will then oversee the selection of ward and town committee members based on a system of rules and procedures established by the party and filed with the Secretary of the Commonwealth.

4. Brings greater consistency to deadlines relating to elections and nominations across all elections and for all candidates.
5. Requires unenrolled candidates for office to meet the same filing deadlines as for party candidates. For example, currently, party candidates for statewide office have to file nomination papers in early May while unenrolled candidates have until early August to file nomination papers. This proposal would create consistency among all candidates as well as ensuring that ballots can be printed and transmitted to be sent out in compliance with the MOVE Act.
6. Most community polling places are located in schools. Every election day causes disruption to the educational process and increases security issues in the schools. Although relationships are cooperative, many municipal chief election officials have been advised by their local school departments that alternative locations other than the schools should be sought. Limiting the number of elections held in a year could reduce this friction and reduce these concerns.
7. March is a challenging month to conduct elections as the election is held early in the month and winter weather conditions such as snow and ice are still a concern. In addition, the vast majority of poll workers are retired citizens, many of whom travel to Florida and other warm weather locations during the winter months. Election officials often struggle with filling the void created by so-called “snow birds” for March elections. Labor unions, political parties, stay at home mothers and senior citizens for many years filled the role of poll workers. However, as cultural conditions have changed the bulk of election workers now come from the retired citizens pool.

*Prepared by: William C. Campbell, Woburn City Clerk  
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*Rev .September 6, 2011*

## RESOLVED

Whereas, according to the Department of Defense Federal Voting Assistance Program (FVAP), there are 11,691 active military duty Massachusetts residents residing overseas; and

Whereas, for the November 2010 election, Massachusetts requested a waiver from a requirement of the Military and Overseas Voter Empowerment Act (the MOVE Act) to send absentee ballots to Americans overseas at least 45 days before an election “due to a late primary”; and

Whereas, a report by the Secretary of the Commonwealth revealed that in the November 2010 election only 400 ballots from Massachusetts active duty military personnel stationed overseas were counted; and

Whereas, the General Court is considering H1972 “An Act Regulating State Primaries”, a bill that moves the state primary to allow Massachusetts residents residing overseas to vote privately and securely, and combines the presidential primary with the state primary to save taxpayers at least \$8,000,000.00; and

Whereas, a number of states have moved their primary dates earlier in the year to comply with the federal MOVE Act and to provide relief to taxpayers by reducing the cost of elections; and

Whereas, the Massachusetts state primary scheduled for September 18, 2012 stands alone as the last state primary in the country in 2012; and

Whereas, in written testimony the FVAP concluded “passing HB1972 will significantly improve voter success for many military members, overseas voters, and their families”; and

Whereas, HB1972 simplifies the election process, decreases the opportunity for “voter fatigue”, reduces the cost of elections for taxpayers, and establishes fairness among candidates;

Now, Therefore, Be It Resolved by the \_\_\_\_\_ of the [Town/City] of \_\_\_\_\_ that the [Town/City] of \_\_\_\_\_ supports the adoption of HB1972 “An Act Regulating Election Primaries” pending before the 187<sup>th</sup> General Court of the Commonwealth of Massachusetts and directs the [Town/City] Clerk to transmit a copy of this action to the municipality’s State Delegation and to the Joint Committee on Election Laws.